

**Posted – June 17, 2011**

**REGULAR MEETING JUNE 20, 2011**

## **TOWN COUNCIL OF THE TOWN OF MIDDLETOWN, RHODE ISLAND**

**The following items of business, having been filed with the Town Clerk under the Rules of the Council, will come before the Council at a regular meeting to be held on Monday, June 20, 2011 at 7:00 P.M. (6:00 P.M. – EXECUTIVE SESSION) at the Middletown Town Hall, 350 East Main Road, Middletown, Rhode Island.**

**Any person not a member of the Council, desiring to address the Council concerning a matter on the docket of the Council, not the subject of a Public Hearing, shall submit a written request to the Town Clerk stating the matter upon which he desires to speak. Persons are permitted to address the Council for a period not to exceed five (5) minutes.**

## **PLEDGE OF ALLEGIANCE TO THE FLAG**

## **RECONSIDERATION**

**The Middletown Town Council follows the codification of present-day general parliamentary law as articulated in Robert's Rules of Order Newly Revised 10th edition (2000), together with whatever rules of order the Council has adopted for its own governance. The motion to**

**reconsider is one of the motions that can bring a question again before an assembly, and is designed to bring back for further consideration a motion which has already been voted on:**

**If, in the same session that a motion has been voted on, but no later than the same day or the next day on which a business meeting is held, new information or a changed situation makes it appear that a different result might reflect the true will of the assembly, a member who voted with the prevailing side can, by moving to Reconsider [RONR (10th ed.), p. 304-321] the vote, propose that the question shall come before the assembly again as if it had not previously been considered. (From Robert's Rules of Order Newly Revised In Brief, Robert, Evans et al., De Capo Press, 2004)**

## **EXECUTIVE SESSION**

**Pursuant to provisions of RIGL, Sections 42-46-2., 42-46-4., and 42-46-5. (a) (5) disposition of property (Wave Avenue), (5) land acquisition (Green Lane), (5) land acquisition (Johnnycake Hill Road), (5) lease (Mitchell's Lane), (5) lease (East Main Road), (5) lease (JFK School) and (2) collective bargaining (Police, Fire, Public Works and Town Hall Unions).**

## **PUBLIC FORUM SESSION**

**Pursuant to Rule 23 of the Rules of the Council, Citizens may address the town on one (1) subject only, said subject of substantive Town business, neither discussed during the regular meeting nor related to personnel or job performance. Citizens may speak for no longer than five (5) minutes and must submit a public participation form to the Council Clerk prior to the start of the meeting.**

## **PRESENTATIONS**

- 1. Memorandum of Town Administrator, re: West Main/Coddington Development Center Master Plan. (Geoffrey Morrison-Logan, representing VHB)**
- 2. Memorandum of Town Administrator, with enclosures, re: Navy surplus land (BRAC 2005) – AIRPA Reuse Plan. (Julie Oakley, representing AIRPA)**
- 3. Resolution of the Council, re: Endorsing the proposed plan for the conveyance and reuse of Navy surplus land in Middletown as prepared by AIRPA.**

**4. Memorandum of Town Administrator, with enclosures, re: Approval of Other Post Employment Benefit (OPEB) Trust Agreement, OPEB Investment Policy Statement, and OPEB Investment Advisory Services Agreement.**

**5. Resolution of the Council, re: Adopting the OPEB Trust Agreement.**

**6. Resolution of the Council, re: Approving OPEB Investment Policy Statement and entering into an Investment Advisory Agreement with PSolve Asset Solutions for the OPEB Trust.**

## **CONSENT**

**7. Resolution of Town of Smithfield School Committee, re: Requesting support in opposition to 2011-S413 & H 5943 that mandates expired teacher contracts must continue at the existing terms and conditions.**

**8. Communication of Tax Assessor, with enclosures, re: Cancellations of taxes for certain Middletown taxpayers.**

**9. Resolution of the Council, re: Cancellations of taxes for certain Middletown taxpayers.**

**10. Notice of Public Hearing from the Zoning Board of Review, Petition of Craig & Annie Schmidt (owner) for a Variance from Section 603, 701 & 803G – to construct a 17' x 15' addition with a left side yard setback of 13.1' and a right side yard setback of 12.2' where 15' is required and construct a new entry and basement stair enclosure with a left side yard setback of 6.2' where 15' is required, said real estate located at 12 Draper Avenue and further identified as Lot 27 on Tax Assessor's Plat 121.**

**11. Application of TECS DONUTS, INC. dba Dunkin Donuts, 159 East Main Road for Additional Operating Hours License for the 2010-2011 licensing year. (NEW; Requires Advertising for Public Hearing)**

**12. Application of Middletown Taco, Inc. dba Taco Bell, 641 West Main Road, for Additional Operating Hours License for the 2010-2011 licensing year. (NEW; Requires Advertising for Public Hearing)**

**13. Memorandum of Town Administrator, with enclosure, re: Meetings about Rhode Island Statewide Bacteria Total Maximum Daily Loads.**

**14. Memorandum of Town Administrator, with enclosures, re: Solid Waste and Recycling Services Agreement – RIRRC.**

**15. Resolution of the Council, re: Contracting Rhode Island Resource**

**Recovery Corporation for FY2012, FY2013 and FY2014 solid waste and recycling services.**

**16. Memorandum of Town Administrator, re: Invitation to Public Workshop on Reconstruction of Intersections of West Main Road at East Main Road and at Coddington Highway.**

## **LICENSES & PERMITS**

**17. Application of TECS DONUTS, INC dba Dunkin Donuts, 159 East Main Road for a Victualling House License for the 2010-2011 licensing year. (NEW)**

**18. Application of Anna Alexander dba Ana's Tacos, Warwick, for a Hawker's License for the 2011-2012 licensing year. (NEW; Benny's Parking Lot, West Main Road)**

**19. Application of Longade, LLC dba Del's Lemonade, Middletown, for a Hawker's License for the 2011-2012 licensing year. (NEW; Benny's Parking Lot, West Main Road)**

**20. Applications (3) three of Newport Vineyards, 909 East Main Road, for Amusement Licenses for July 29th, 30th (Shakespeare Performance) and August 4th (Jazz Performance by the Grape Press). (NEW)**

## **ORDINANCE**

### **21. An Ordinance of the Town of Middletown (Second Reading)**

**An Ordinance in amendment to the Town Code of the Town of Middletown, Title III, Chapter 36, Fee Schedule, Section (46), Ambulance Billing Rates.**

## **OTHER COMMUNICATION**

### **22. (Continued from Regular Meeting of June 6, 2011)**

**Communication of Patrick O’N. Hayes, Jr., Esquire, representing John G. Richardson, with enclosure, re: Request for a permanent easement and abandonment of a portion of Wave Avenue.**

**22.a (NEW) Memorandum of Town Administrator, re: Property disposition: Town right-of-way on Wave Avenue adjacent to property designated at Lot 18A on Middletown Tax Assessor’s Plat 116NW.**

**23. Memorandum of Rosemarie K. Kraeger, Superintendent of Schools, with enclosures, re: Budget Adjustments as of June 30, 2011.**

**24. Resolution of the Council, re: Budget Adjustments – School Department.**

**25. (NEW) Memorandum of Town Administrator, with enclosure, re: School Department request for additional project funds – Aquidneck School Learning Center.**

## **TOWN ADMINISTRATOR COMMUNICATIONS**

**26. Memorandum of Town Administrator, with enclosure, re: Proposal and Amendment to Current Agreement for Watershed Assessment.**

**27. Resolution of the Council, re: Award of Contract for Amendment to Current Agreement for Watershed Assessment.**

**28. Memorandum of Town Administrator, with enclosures, re: Contract Award: Landscaping Services.**

**29. Resolution of the Council, re: Contract Award: Landscaping Services.**

**30. Memorandum of Town Administrator, with enclosures, re: Contract Award: Commodore Perry Village Sanitary Sewer Spot Repairs.**

**31. Resolution of the Council, re: Contract Award: Commodore Perry**



## **Village Sanitary Sewer Spot Repairs.**

**32. Memorandum of Town Administrator, with enclosures, re: Contract Award: Sewer Improvements, Drainage Improvements and Roadway Improvements – Continental Village & Adjacent Neighborhoods.**

**33. Resolution of the Council, re: Contract Award: Sewer Improvements, Drainage Improvements and Roadway Improvements – Continental Village & Adjacent Neighborhoods.**

**34. Memorandum of Town Administrator, with enclosures, re: Contract Amendment: Administration Services – Continental Village Project.**

**35. Resolution of the Council, re: Contract Amendment: Administration Services – Continental Village Project.**

**Wendy J.W. Marshall, CMC**

**Town Clerk**

**This meeting location is accessible to the handicapped. Individuals requiring interpreter services for the hearing impaired should notify the Town Clerk's Office not less than 48 hours before this meeting.**